

Remarks

This amendment is in response to the Office Action of May 28, 2004. In the Office Action, the Examiner withdrew claim 34 and rejected claims 1, 2, 4-13, 17-28, 30-33, 35 and 36.

The Examiner first rejected claims 1, 8-11, 18, 20, 25, 26, 28, 30, 32, 33, 35 and 36 under 35 USC §103 as being unpatentable over *Jenkins* in view of admitted prior art.

However, *Jenkins* discloses an arrangement wherein a selector control 26 is manipulated to select either the front controls 24, 25 to manipulate the loader or rear controls 33 to manipulate the backhoe (col. 2, line 57 to col. 3, line 4). No single lever operates front and rear implements. Furthermore, a lever-mounted switch activates the diverting arrangement is not disclosed in *Jenkins*.

The Examiner is not correct that in *Jenkins* either lever 25, 26 or 33 will operate either implement. Applicants point out the language at column 3, lines 31-33 and claim 1, column 4, lines 23-30. The correct interpretation of this language is that the "dual operating means" is an either/or arrangement and not both operating means controlling the same implement at the same time. One of skill in the art would not interpret the description as implying that both front controls and back controls would be operable to move the same implement *at the same time*. There is no language in *Jenkins* that the rear control lever 33 would operate the loader or that the front controls 24, 25 would operate the backhoe. There is no description or suggestion as to why one would want to operate the backhoe from the front controls or operate the loader from the rear controls.

While both sets of controls 24, 25 and 33 do operate the selector valves, it is an *alternate* arrangement in conjunction with the selector control 26, as set forth at column 3, line 57 – column 3, line 4.

Therefore, *Jenkins* teaches separate control levers for the front and back implements with the control levers located adjacent the front and back implements, as is conventional. *Jenkins* does not teach that the front lever will manipulate the backhoe. Thus, if the backhoe was replaced with an implement which did not require the operator seat to be rotated, the teaching of *Jenkins* would be to put separate controls adjacent the rear implement.

Furthermore, regarding claims 32 and 36, Applicants claim in combination with the control switch, a diverter activation switch having an activated state and a deactivated state. The diverter activation switch and the control switch are connected in an electrical circuit which requires the diverter activation switch to be switched to the activation state in order for the control switch to be operable. Such an arrangement is not taught or suggested in the cited art as arranged in Applicants' claims.

Applicants submit that the Examiner has not made out a *prima facie* case of obviousness and requests withdrawal of the rejection.

The Examiner next rejected claims 4-6, 12, 21-23, 27 and 31 under 35 USC §103 as being unpatentable over *Jenkins* in view of admitted prior art and further in view of *Harada*. However, based on the asserted allowability of independent claims 1, 11, 18 above, these claims should also be allowable. *Harada* discloses a system wherein two implements on a front of the vehicle are

alternately controlled. According to Applicants' invention, front and rear implements are alternately controlled using a single control lever. That is, once the diverter is actuated or de-actuated, the function associated with the same single control lever is switched from controlling a front implement to controlling the rear implement, or vice versa.

Furthermore, regarding claim 23, Applicants claim in combination with the control switch, a diverter activation switch having an activated state and a deactivated state. The diverter activation switch and the control switch are connected in an electrical circuit which requires the diverter activation switch to be switched to the activation state in order for the control switch to be operable. Such an arrangement is not taught or suggested by *Harada et al.* as arranged in Applicants' claims. *Harada et al.* which discloses only control switches 12a, 12b for selecting front cylinders to be operated, but does not disclose a diverter activation switch which is in series with these control switches and which must be switched on to enable the control switches.

Applicants submit that the Examiner has not made out a *prima facie* case of obviousness and requests withdrawal of the rejection.

The Examiner next rejected claim 17 under 35 USC §103 as being unpatentable over *Jenkins* in view of admitted prior art and further in view of *Hein et al.* However, based on the asserted allowability of claim 11 above, claim 17 should also be allowable. *Hein et al.* also does not disclose a single lever control of front and rear implements as described in these claims.

Applicants submit that the Examiner has not made out a *prima facie* case of obviousness and requests withdrawal of the rejection.

The Examiner next rejected claims 2, 7, 13, 19 and 24 under 35 USC §103 as being unpatentable over *Jenkins* in view of admitted prior art and further in view of *Balzer* and *Hein et al.* However, based on the asserted allowability of claims 1, 11 and 18 above, claims 2, 7, 13, 19 and 24 should also be allowable. *Balzer* and *Hein et al.* also do not disclose a single lever control of front and rear implements as described in these claims.

Applicants submit that the Examiner has not made out a *prima facie* case of obviousness and requests withdrawal of the rejection.

Applicants' invention allows an operator to manipulate a rear-mounted implement by simply depressing a control switch on the front-mounted implement control lever. The operator can manipulate the rear-mounted implement without having to relocate himself to a rear control panel.

Applicants submit that all claims are in condition for allowance and request issuance of the application.

Respectfully submitted,

By: 
Randall T. Erickson, Reg. No. 33,872

The Law Office of Randall T. Erickson, P.C.
425 W. Wesley Street, Suite 1
Wheaton, IL 60187
Telephone: 630-665-9404
Fax: 630-665-9414
Customer No. 41528